

AMENDED IN SENATE MAY 11, 2015

AMENDED IN SENATE MAY 6, 2015

AMENDED IN SENATE APRIL 7, 2015

AMENDED IN SENATE APRIL 6, 2015

## SENATE BILL

**No. 718**

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### **Introduced by Senators Leno and Hancock**

(~~Coauthor: Assembly Member Dodd~~ *Coauthors: Assembly Members Dodd and Gordon*)

February 27, 2015

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An act to add Section 8670.48.4 to the Government Code, relating to fish and wildlife, and making an appropriation therefor.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 718, as amended, Leno. Hazardous Materials Response and Restoration Subaccount.

Existing law establishes the Oil Spill Response Trust Fund, a continuously appropriated fund, for, among other purposes, providing funds to cover promptly the costs of response, containment, and cleanup of oil spills into waters of the state, including damage assessment costs and wildlife rehabilitation. Existing law establishes the Hazardous Materials Response and Restoration Subaccount, a continuously appropriated subaccount in the Fish and Wildlife Pollution Account in the Fish and Game Preservation Fund, for, among other purposes, the protection, preservation, and restoration of fish and wildlife impacted by discharges of hazardous materials into the environment of the state.

This bill would authorize the administrator for oil spill response, *upon making a specified finding*, to loan moneys from the Oil Spill Response Trust Fund to the Hazardous Materials Response and Restoration

Subaccount in an amount, not exceeding \$500,000 annually, necessary to reimburse organizations providing wildlife rescue and rehabilitation services for expenses incurred by rescue and rehabilitation ~~stations~~ *operations* for wildlife injured by spill events of nonoil materials, thereby making an appropriation. *The bill would prohibit the administrator from making a loan if the total amount of moneys made from these loans that has not been repaid exceeds \$2,500,000.* The bill would require the administrator to notify the Joint Legislative Budget Committee of the loan. The bill would require the administrator, through a public process, to develop and adopt guidelines identifying expenses eligible for reimbursement.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8670.48.4 is added to the Government  
2 Code, to read:  
3 8670.48.4. (a) (1) At the discretion of the administrator,  
4 moneys may be loaned from the fund to the Hazardous Materials  
5 Response and Restoration Subaccount, created pursuant to Section  
6 13010 of the Fish and Game Code, in an amount, not exceeding  
7 five hundred thousand dollars (\$500,000) annually, that is  
8 necessary to reimburse organizations providing wildlife rescue  
9 and rehabilitation services for expenses incurred by rescue and  
10 rehabilitation ~~stations~~ *operations* for wildlife injured by spill events  
11 of nonoil materials.  
12 (2) *The administrator shall not make a loan pursuant to*  
13 *paragraph (1) unless the administrator makes a public finding*  
14 *that the proposed loan will not impair the ability of the state to*  
15 *respond promptly to oil spills.*  
16 (3) *The administrator shall not make a loan pursuant to*  
17 *paragraph (1) if the total amount of moneys from loans made*  
18 *pursuant to paragraph (1) that has not been repaid pursuant to*  
19 *subdivision (b) exceeds two million five hundred thousand dollars*  
20 *(\$2,500,000), excluding interest owed on those loans.*  
21 ~~(2)~~  
22 (4) The administrator shall notify the Joint Legislative Budget  
23 Committee of any loans made pursuant to paragraph (1) at the time  
24 of the loan.

~~(3)~~

(5) The administrator shall, through a public process, develop and adopt guidelines identifying expenses eligible for reimbursement pursuant to paragraph (1).

(b) A loan made pursuant to paragraph (1) of subdivision (a) shall be repaid no later than ~~10~~ five years after the date the loan was made, with interest at the rate earned by the Pooled Money Investment Account at the time of the loan, upon appropriation by the Legislature, from either of the following:

(1) Moneys recovered from a party responsible for the spill event of nonoil materials.

(2) If no responsible party is found, the General Fund.

*(c) If the administrator makes a loan pursuant to paragraph (1) of subdivision (a) and moneys are recovered from a party responsible for the spill event of nonoil materials more than five years after the date the loan was made, those moneys shall be deposited in the General Fund.*

*(d) It is the intent of the Legislature that the Department of Fish and Wildlife use moneys available in the Fish and Wildlife Pollution Account to reimburse organizations providing wildlife rescue and rehabilitation services for expenses incurred by rescue and rehabilitation operations for wildlife injured by spill events of nonoil materials before the administrator makes a loan pursuant to paragraph (1) of subdivision (a).*